

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed January 24, 2005.

Claims 1-4,7-9,17-24,27,48,50,51,53,55-58,61,63,65,67, 70,75-77,79-85 and 113-128 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner allowed claims 1-4,7-9,17-24, 27, 48, 51, 53, 57, 58, 61, 63, 65, 67-70, 75-77, 79-85 and 123-128, rejected claims 50,55, 56 and 113-122, and objected to claims 115 and 116 as being dependent upon a rejected base claim. The present Response cancels claims 50, 55, 56, 113, 114 and 117-122 and amends claim 115, leaving for the Examiner's present consideration claims 1-4,7-9,17-24, 27, 48, 51, 53, 57, 58, 61, 63, 65, 67-70, 75-77, 79-85, 115, 116 and 123-128. Reconsideration of the rejection of claims 115 and 116 is requested.

I. REJECTION UNDER 35 U.S.C. §112

Claims 115, 116, and 119-122

The Examiner rejected claims 115, 116 and 119-122 under 35 U.S.C. §112. Applicants request cancellation of claims 119-122. Applicants respectfully traverse the rejection of claims 115 and 116.

In the Office Action, the Examiner rejected claim 115 under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that "Claim 115, line 1, 'the focus electrodes' lack antecedent basis." Claim 115 has been amended to recite "wherein the focus *electrode* is arranged..." Applicants believe they have provided for appropriate antecedent basis through this clarifying amendment. Claims 115 and 116 no longer recite elements lacking antecedent basis.). Accordingly, Applicants respectfully request the withdrawal of this rejection.

II. REJECTION UNDER 35 U.S.C. §102(B) OVER *TOROK, ET AL.* (U.S. PATENT 4,812,711)

Claims 50, 55, 56, 113, 114, 117 and 118

The Examiner rejected Claims 50, 55, 56, 113, 114, 117 and 118under 35 U.S.C. §102(b) as being anticipated by *Torok*. Applicants request cancellation of Claims 50, 55, 56, 113, 114, 117 and 118.

III. ALLOWABLE SUBJECT MATTER

Claims 1-4, 7-9, 17-24, 27, 48, 51, 53, 57, 58, 61, 63, 65, 67-70, 75-77, 79-85 and 123-128

Applicants appreciate the indication that claims 1-4, 7-9, 17-24, 27, 48, 51, 53, 57, 58, 61, 63, 65, 67-70, 75-77, 79-85 and 123-128 are allowed. The Examiner further indicates that "Claims 115 and 116 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, 2nd paragraph, set forth in this Office

Action and to include all of the limitations of the base claim and any intervening claims." Applicants have amended claim 115 to overcome the rejection under 35 U.S.C. §112, 2nd paragraph, and further to include all of the limitations of the base claim and intervening claims, and claim 115 is now believed to be in condition for allowance. The Examiner did not indicate any additional defect in claim 116 other than dependence from claim 115. Because claim 116 now depends from a claim that is allowable, it is now believed to be in a condition for allowance.

IV. CONCLUSION

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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